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**MAR 28 2007**

In re Application of

Katsuaki Akama

Application No. 09/910,963

Filed: July 23, 2001

Attorney Docket No. FUJ 18.626

**OFFICE OF PETITIONS**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed January 22, 2007.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on August 19, 2006, after it was believed that no response was received to the final Office action mailed April 18, 2006. The action allowed a shortened statutory period for reply of three-months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A response was filed on August 7, 2006, with a request for an extension of time within the first month. An Advisory Action mailed August 17, 2006, explained that the response of August 7, 2006, did not place the application in condition for allowance. A Notice of Abandonment was mailed on January 16, 2007, indicating that a reply to the final Office action was not received.

The instant petition maintains that a Request for Continued Examination (RCE) responsive to the final Office action was transmitted via facsimile on September 8, 2006, along with a request for an extension of time within the second month. A copy of the RCE containing a certificate of facsimile transmission dated September 8, 2006, and a copy of the transmission sheet noting five pages as having been successfully transmitted to the USPTO on September 8, 2006, accompanied the petition.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Deposit account 50-1290 will be charged \$790.00 for the RCE and \$450.00 for the request for an extension of time within the second month.

The application file is being forwarded Technology Center 2600 GAU 2614, for further processing including the consideration of the RCE, which will be noted as having been timely received.

A handwritten signature in black ink, appearing to read "Kenya A. McLaughlin", written in a cursive style.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions